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Re: 22B Harley Road London NW3 3BN

Thank you for submitting a pre-planning application enquiry for the above property which was received on 10/10/2022 together with the payment of £475.00 which was received on 10/10/2022. The advice is based on the information provided by the applicant which included plans and photos.

#### Development Description

*Demolish an existing dwellinghouse and the construction of new dwellinghouse with associated landscaping.*

#### Planning History

##### Basement flat 22 Harley Road

**2022/4606/P**-Replacement of existing rear conservatory with single storey rear extension, replacement of existing entrance door with window and installation of new entrance door, both on side elevation. **Granted 14/02/2023**

**2022/5574/P**-Replacement of existing rear conservatory with single storey rear extension, replacement of existing entrance door with window and installation of new entrance door, both on side elevation. **Consultation period ends 19/03/2023**

#### Site description

The application site is a former outbuilding in use as a residential dwelling located at the rear of Nos 20 and 22 Harley Road and bounding both properties to the Northeast. The site is located within Elsworthy Conservation Area and according to the submitted documents, the outbuilding has been in use as a dwellinghouse since 1996; however, there is no planning permission for the change of use.

## **Assessment**

The main issues for consideration are:

- Principle
- Housing as the priority land use
- Affordable housing contribution
- Principle of demolition
- Sustainability and energy;
- Design and heritage;
- Amenity and impact on neighbouring properties;
- Standard of accommodation
- Basement development;
- Trees and biodiversity;
- Transport;
- CIL

### **Principle of land use**

The applicant is advised that they should provide evidence to confirm/prove that the building has been in use as a single dwelling since 1996 to confirm that the use is lawful. This information would be required to confirm the principle of replacing the existing dwelling with one new house in terms of housing policies H1 (Maximising housing supply) and H3 (Protecting existing homes) of the Camden Local Plan 2017.

### **Housing as the priority land use**

Policy G1 of the Local Plan notes that the Council will support development that makes the best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site. Policy H1 regards housing as the priority land-use of the Local Plan; however, the pre-text to the policy notes that the Council will attach equal weight to the quality and quantity of new homes proposed in the borough and will not sacrifice housing quality in order to maximise overall housing supply.

### **Affordable housing contribution**

Policy H4 of the Local Plan seeks to maximise the supply of affordable housing in the borough and expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floor space of 100 sqm (GIA) or more.

The proposal would provide one home. The proposal would involve a total addition to residential floorspace of 356 sqm. As such, the proposal triggers the requirement for a contribution towards affordable housing.

Targets are based on an assessment of development capacity whereby 100 sqm GIA of housing floorspace is generally considered to create capacity for one home and a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity. Where development has the capacity for fewer than 10

additional dwellings, the Council will accept a payment-in-lieu of affordable housing. A rate of £5000 per sqm GIA is applied;

[Additional residential floorspace (GIA) x 2%] x £5000

[356 sqm x 2% = 7.12] x £5000

**= £35,600**

The financial contribution would be secured by section 106 legal agreement, if the application was approved.

### **Principle of demolition**

The Energy efficiency and adaptation CPG (Chapter 9) has been updated to provide a clearer framework for assessing applications that propose demolition under part e and f of Local Plan policy CC1 'Climate change mitigation'.

Applicants are expected to undertake a condition and feasibility study of the existing building – to understand the buildings re-use potential. This provides an opportunity to explore development options outlined in paragraphs 9.5 – 9.6 of the CPG. Refurbish and retrofit and extension options are typically the lowest carbon option, they minimise demolition waste, reduce human disruption, and can have cost and programme savings depending on the scope of refurbishment. The task is to explore whether the development proposal of replacement dwelling can be accommodated through a refurbishment and extension option. This would be encouraged in sustainability terms and in design terms as discussed below.

The 'Reclaim and recycle' option in the CPG states "*Where it is demonstrated to the Councils satisfaction, that the above options are not feasible the development proposal should include a plan for deconstruction and include an audit of all materials that are possible to either re-use on site or be provided elsewhere. New London Plan policy SI7 expects 95% of construction and demolition waste to be diverted from landfill (reuse, recycle, recovery), and 95% of excavation waste to be put to beneficial use. At this option a Whole Life Carbon assessment should be submitted, following the GLA draft SPG and including long term carbon factors (see section 2.29 of the SPG).*"

Policy CC1 (e) (Climate change mitigation) requires all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. Paragraph 8.16 of the Camden Local Plan elaborates that as the construction process and new materials employed in developing buildings are major consumers of resources and can produce large quantities of waste and carbon emissions, the possibility of sensitively altering or retrofitting buildings should always be strongly considered before demolition is proposed. It goes on to state that many historic buildings display qualities that are environmentally sustainable and have directly contributed to their survival for example the use of durable, natural, locally sourced materials, 'soft' construction methods, good room proportions, natural light and ventilation and ease of alteration.

As such, any proposal to demolish the existing building would need to be fully justified in terms of the optimisation of resources and energy use in comparison with the existing building.

## **Energy and Sustainability**

In line with policies CC1, CC2 and CC3 of the Camden Local Plan 2017, all developments in Camden are required to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation.

The Energy Efficiency and Adaptation CPG notes that new residential development comprising 5 – 9 units should achieve 19% below Part L of 2013 Building Regulations carbon emission reductions. An Energy Statement will be required to demonstrate how the carbon emission reductions would be achieved under the Energy Hierarchy (i.e. Be Lean, Be Clean, Be Green).

All new residential development will also be required to submit an Energy Statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction. For more details, see section 8 of the Camden Local Plan 2017.

According to the pre app documents, a ASHP and solar panels would be part of the proposal. The location of the ASHP is unknown and this information would be required at application stage, along with a noise impact assessment.

Solar PV not currently shown on plans and this information is required to assess whether the panels would harm the conservation area. However, it is noted due to the location of the dwelling, the solar panels are not likely to be visible from the road.

## **Design and Heritage**

The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area. Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. Camden's Local Plan is supported by CPGs and the Bloomsbury Conservation Area Statement.

The site is in Elsworthy Conservation Area. It is noted that the area has individual pockets of small 20<sup>th</sup> century residential infill development and there is a need for housing within the borough.

The existing dwellinghouse, sits well within the plot as it doesn't dominate and allows for a spacious garden to be retained. However, the existing building is of no merit. It is a single-storey part-brick part-rendered structure with first-floor accommodation inside an attic within a crown roof with several large roof lights. As a result, its loss would not be resisted.

The proposed dwellinghouse is considered too large and bulky for the site. It is undesirable to be introducing two-storey building in a back garden setting. Therefore, the two storey element should be removed, and a single storey dwellinghouse would be more appropriate and acceptable.

The current proposal would go from occupying 1/4 of the site to 4/5 which is considered excessive. This significant additional bulk and massing would not be supported. A modest increase in ground coverage would be more acceptable, therefore it is advised to reduce the proposed dwellinghouse in size by at least ½. The replacement dwellinghouse needs to be more sensitive and proportionate to ensure it doesn't dominate the site harming the character and appearance of the conservation area.

The proposed replacement dwelling would have a more contemporary design; however, it is considered that it would still respect its context (notwithstanding the fact it is considered to be too large). The green roofs will be integral, as they will help the building blend in with its surroundings. The proposed building materials (timber cladding; glazed fenestration, green roof) are considered to be acceptable.

### **Amenity**

Policy A1 (Managing the impact of development) of the Camden Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight. Policy A4 concerns noise and vibration and states that the Council will seek to ensure that noise and vibration is controlled and managed. This is supported by the CPG Amenity

The proposal would need to be sensitive to the existing residential units. The proposed dwelling due to its height, may result in a loss of outlook to neighbouring property no.20. However due its location and design, it is not considered that they would have any impact on the residential amenities of the neighbouring properties, in terms of loss of daylight, sunlight or privacy.

### **Standard of accommodation**

The replacement dwelling would exceed the Government's technical housing standards in terms of size, and it would provide a good standard of residential accommodation in terms of layout; space and potential room sizes, however this is subject to change if further revisions are to be submitted reducing the size of the building and would need to be re-assessed. The amenity space to the dwelling should retain a moderate garden and would comply with the London Plan standards in regard to amenity space.

### **Basement development**

Policy A5 (Basements) of the Camden Local Plan states that the Council will only permit basements where it is demonstrated to its satisfaction that the proposal would not cause harm to neighbouring properties; the structural, ground or water conditions of the area; the character and amenity of the area; the architectural character of the building; and the significance of heritage assets.

Policy A5 stipulates that the siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. In accordance with Policy A5, any proposed basement development at the site should comply with the following criteria:

- f. not comprise of more than one storey;
- g. not be built under an existing basement;
- h. not exceed 50% of each garden within the property;
- i. be less than 1.5 times the footprint of the host building in area;
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k. not extend into or underneath the garden further than 50% of the depth of the garden;
- l. be set back from neighbouring property boundaries where it extends

beyond the footprint of the host building; and  
m. avoid the loss of garden space or trees of townscape or amenity value.

In determining proposals for basement and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability.

The basement would need to comply with the above criteria in order to be deemed acceptable and a Basement Impact Assessment report would need to be submitted along with any future application and would be reviewed and independently verified by the Council's external engineering consultants.

Externally the proposed basement extension would not be out of keeping with the rest of the street as it will remain at basement level and would not harm the character and appearance of the host dwelling or the conservation area.

The proposed basement would comply with the above criteria. However, the proposed basement would be close to an existing rail line, making it unfeasible and not practical. Therefore, it is strongly advised not to proceed with the basement.

### **Trees and biodiversity**

A number of existing mature trees are located throughout the rear garden and one of the mature trees has a TPO. Although most of the existing trees would be retained, the scheme does propose the removal of some trees as well as replacement planting. As such, any future planning application would need to include the submission of an arboricultural impact assessment and tree protection plan to justify the removal of the existing trees and to ensure that all other trees would be adequately protected throughout the proposed development.

The living roof is welcomed in terms of its biodiversity benefits. The website [www.livingroofs.org](http://www.livingroofs.org) provides information on different types of roofs.

Other measures to improve biodiversity at the site would also be welcomed (e.g. living walls, bird and bat boxes, ponds etc.), and would weigh in favour of the development.

### **Transport**

#### **Car-free**

Policy T2 (Parking and car-free development) of the Camden Local Plan 2017 requires all new developments within the Borough to be car free. All residential redevelopments are required to be car-free in accordance with Policy T2 and CPG Transport. If the applicant can provide evidence that they are the existing occupiers and will be returning residents while treating the property as their principal home, they can apply for a temporary exemption to this for the period they remain living at the property. This appears to be the case here as indicated on the pre-app document. The legal agreement will secure the development as car-capped and would prevent future occupiers from obtaining on-street parking permits.



### Cycle parking

Cycle parking should be provided in accordance with Policy T1, cycle facilities section of CPG Transport, and the London Plan. The London Plan standards are shown below. 2 long-stay cycle spaces would be required. A bike shed in the front pathway/garden is an acceptable option.

The applicant should note the following:

- We do not support vertical cycle parking spaces as they are not accessible to all users.
- Cycle parking should be covered and accessible (step-free).

	Long-stay (e.g. for residents or employees)
C3-C4 dwellings (all)	<ul style="list-style-type: none"><li>• 1 space per studio or 1 person 1 bedroom dwelling</li><li>• 1.5 spaces per 2 person 1 bedroom dwelling</li><li>• 2 spaces per all other dwellings</li></ul>

### Construction Management Plan (CMP)

The site is directly adjacent to a special state school. Due to the amount of construction, demolition and basement excavation, to minimize the impact on the highway infrastructure and neighbouring community a draft construction management plan (CMP) would need to be submitted at application stage to clarify the details of construction, and a detailed CMP would need to be secured via a section 106 planning obligation in accordance with Policy A1 if planning permission is granted. A CMP implementation support contribution of £3,920 and Construction Impact Bond of £7,500 would also need to be secured as a Section 106 planning obligation if planning permission were to be approved. The Council has a CMP pro-forma which must be used and would need to be approved by the Council prior to any works commencing on site. The CMP pro-forma is available on the [Camden website](#).

### Highways contribution

The public highway in the general vicinity of the site could sustain damage as a direct result of the construction works. We therefore may to secure a highways contribution via a legal agreement if planning permission were to be granted in the future. This would allow the Council to repair any damage to the public highway in the general vicinity of the site on completion of the development. This would be assessed if a planning application were to be submitted.

Should a full application be made, it is likely that a planning consent would need to be supported by the following S106 planning obligations:

- Car-free
- Construction Management Plan and associated Implementation Support Contribution of £3,920
- Construction Impact Bond of £7,500
- Highways contribution – to be assessed
- Energy and sustainability measures
- Affordable housing contribution

### CIL

The scheme would be liable for both the Mayor of London's and Camden's own Community Infrastructure Levy (CIL), as residential units are sought to be created. The Mayor's CIL would apply to all development that adds one or more dwellings or more than 100sqm of floorspace

at a rate of £50 per sqm. The Council's CIL would equally apply to all new dwellings at a rate of £250 per sqm in the Zone B (Rest of Camden) area. Please refer to the Council's website for further information on the Borough's CIL. However, the Planning Statement notes that the applicants intend to claim an exemption from both CIL charges by applying for both proposed dwellings separately as self-build properties which they would own and occupy as their principle residence for a minimum of 3 years after the work is completed. In order to claim this exemption, then all applicants should ensure that they are included as joint owners of the property on the title deeds prior to submission of any future applications.

### **Recommendations**

The proposed principle can only be considered acceptable until further information has been provided that the proposed dwelling has been in use as a dwellinghouse since 1996.

Whilst the general character and detailing of the proposed dwelling is considered acceptable, the footprint, scale and massing of the dwelling needs to be reconsidered and reduced. The proposed basement although it would comply with Policy A5, it would be located next to an existing rail line making it not feasible and not practical. A Basement Impact Assessment would need to be provided with any formal application to assess the impact.

It is not considered that the new dwelling would cause undue harm to neighbouring properties, and it is considered that it would provide a good standard of living for future occupiers.

Any formal application should be accompanied by information about biodiversity benefits, energy and sustainability, a draft CMP and details regarding waste and recycling and flood risk and drainage.

Please see Appendix 1 for supplementary information and relevant policies. If you have any queries about the above letter or appendix 1, please do not hesitate to contact Enya Fogarty (0207 974 8964)

**Please note: This document represents an initial informal officer view of your proposal based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.**

### **Appendix 1:**

#### **Relevant policies and guidance:**

- **National Planning Policy Framework (2019)**
- **London Plan (2021)**
- **Camden Local Plan (2017)**
- H1 Maximising housing supply
- H4 Maximising the supply of affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- A1 Managing the impact of development
- A4 Noise and vibration
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation



- CC2 Adapting to climate change
- CC3 Water and flooding
- CC4 Air quality
- CC5 Waste
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development
- DM1 Delivery and monitoring
- **Camden Supplementary Guidance**
  - CPG – Design (2021)
  - CPG – Amenity (2021)
  - CPG- Transport (2021)
  - CPG – Energy efficiency and adaptation (2021)
  - CPG – Biodiversity (2021)
  - CPG- Air Quality (2021)
  - CPG- Housing (2021)
  - CPG- Developer Contributions (2019)

Planning application information:

If you wish to submit a planning application for an amended scheme, I would advise you to submit the following for a valid planning application:

- Completed Full planning application form
- The appropriate fee (Full Planning Fee)
- Location Plan (scale 1:1250)
- Floor plans (scale 1:100) labelled 'existing' and 'proposed'
- Elevations and sections (scale 1:100) labelled 'existing' and 'proposed'
- Section drawings (scale 1:50) labelled 'existing' and 'proposed'
- Design and Access and Statement
- Noise impact assessment
- Daylight and Sunlight Assessment
- Draft Construction Management Plan
- Energy Statement

More about supporting information for planning applications [here](#).

We are legally required to consult on applications with individuals who may be affected by the proposals. We notify neighbours by displaying a notice on or near the site and placing an advert in the local press. We must allow 21 days from the consultation start date for responses to be received. We encourage you to engage with the residents of adjoining properties before any formal submission.